

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

- against -

JOSE GARCIA,

Defendant.

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USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: DATE FILED: 8/27/21
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ORDER OF JUDICIAL REMOVAL

Criminal Docket No. 19 Cr. 734 (VSB)

Upon the application of the United States of America, by Justin V. Rodriguez, Assistant United States Attorney, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of JOSE GARCIA (the "defendant"); and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native and citizen of El Salvador.
3. In or around 2005, the defendant entered the United States without inspection at or near San Ysidro, CA.
4. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, of the following offenses: Conspiracy to Participate in a Racketeering Enterprise, in violation of 18 U.S.C. § 1962(d); and Conspiracy to Distribute and Possess with Intent to Distribute (i) 50 grams or more of Methamphetamine, in violation of 21 U.S.C. § 841(b)(1)(A), (ii) 500 grams and more of mixtures and substances containing a detectable amount of Methamphetamine, in violation of 21 U.S.C. §

841(b)(1)(A), and (iii) mixtures and substances containing a detectable amount of Cocaine, in violation of 21 U.S.C. § 841(b)(1)(C), from at least in or about January 2019 up to and including in or about October 2019, in violation of 21 U.S.C. § 846


5. A total maximum sentence of life imprisonment may be imposed for the above-mentioned offenses.
6. The defendant is subject to removal pursuant to Section 212(a)(6)(A)(i) of the Immigration and Nationality Act of 1952, as amended (“Act”), 8 U.S.C. § 1182(a)(2)(A)(iii), as an alien who is present in the United States without having been admitted or paroled, or who arrived in the United States at any time or place other than as designated by the Attorney General; Section 212(a)(2)(A)(i)(I) of the Act, 8 U.S.C. § 1182(a)(2)(A)(i)(I), as an alien who has been convicted of a crime involving moral turpitude (other than a purely political offense) or an attempt or conspiracy to commit such a crime; Section 212(a)(2)(A)(i)(II) of the Act, 8 U.S.C. § 1182(a)(2)(A)(i)(II), as an alien who has been convicted of a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in 21 U.S.C. § 802); and Section 212(a)(2)(C)(i) of the Act, 8 U.S.C. § 1182(a)(2)(C)(i), as an alien the consular officer or the Attorney General knows or has reason to believe is or has been an illicit trafficker in any controlled substance or in any listed chemical (as defined in 21 U.S.C. § 802), or is or has been a knowing aider, abettor, assister, conspirator, or colluder with others in the illicit trafficking in any such controlled or listed substance or chemical, or endeavored to do so.

7. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).
8. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.
9. The defendant has designated El Salvador as the country for removal pursuant to Section 240(d) of the INA, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the Act, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to El Salvador.

Dated: New York, New York

August 27, 2021


HONORABLE VERNON S. BRODERICK
UNITED STATES DISTRICT JUDGE